

1648



MAR 25 2003

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/006,881	
	Filing Date	December 10, 2001	
	First Named Inventor	Reiter, et al.	
	Art Unit	1648	
	Examiner Name	Stacy S. Brown	
Total Number of Pages in This Submission	4	Attorney Docket Number	20695C-002300US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

RECEIVED  
MAR 27 2003

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Kevin Bastian Reg. No. 34,774
Signature	
Date	March 19, 2003

TECH CENTER 600/2900

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <u>March 19, 2003</u>			
Typed or printed	Stephanie J. Whitehurst		
Signature		Date	March 19, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT  
Attorney Docket No.: 20695C-002300US  
Client Ref. No.: V-260-00

Assistant Commissioner for Patents  
Washington, D.C. 20231

On March 19, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Stephanie J. Whitehurst

*#6  
Election  
4.1.03*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

REITER, *et al.*

Application No.: 10/006,881

Filed: December 10, 2001

For: METHOD FOR LARGE SCALE  
PRODUCTIONS OF VIRUS ANTIGEN

Examiner: Stacy S. Brown

Art Unit: 1648

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
MAR 27 2003  
TECH CENTER 1600/2900

Sir:

In response to the Office action mailed February 19, 2003, Applicants elect, with traverse, to prosecute species claims to Influenza. The claims all read on the elected species except for claims 37 and 38.

The invention provides a method for rapid, efficient production of viral antigens wherein the method requires a minimum of time consuming manipulations. Thus, there is a disclosed relationship between the species of the invention. Therefore, the Examiner must discuss the reasons leading to the conclusion that the disclosed relation does not prevent restriction (MPEP 808.01(a)). Applicants respectfully submit that the Examiner has failed to provide any such reasoning or evidence. In the absence of such a showing, Applicants respectfully request that the Examiner withdraw the Restriction Requirement and consider all the alleged viral species together.

Application No.: 10/006,881  
Page 2

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin Bastian  
Reg. No.: 34,774

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
KLB:ERS  
SF 1442442 v1